



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2011 Biennium

<b>Bill #</b>	HB0148	<b>Title:</b>	Clarify work comp going and coming to work status
<b>Primary Sponsor:</b>	Brown, Dee	<b>Status:</b>	Select status

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### **FISCAL SUMMARY**

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### Description of fiscal impact:

Base on the review of the National Council on Compensation Insurance (NCCI), this bill may result in minimal savings in overall system costs in Montana. Any cost savings would be realized in future loss experience, and reflected in subsequent Montana loss cost filings.

### **FISCAL ANALYSIS**

#### Assumptions:

#### **Montana State Fund**

1. The bill proposes to define the employee's 'course of employment' for workers compensation purposes.
2. The bill's language defines 'course of employment' to include the period of time while an employee is on the employer's premises, and prepares to commence work or depart from work.
3. The definition explicitly excludes employee's travel to and from work if the employee is not involved in carrying out any task on behalf of the employer while traveling to or from work. Currently, an insurer is liable for the payment of compensation to an employee who suffers an injury or dies while traveling only if the employer furnishes the vehicle, the employee receives reimbursement from the employer for travel, or if travel is required by the employer as part of the employee's job duties.
4. Per NCCI's actuarial analysis, "The proposed language appears to clarify workers compensation compensability in situations where it is unclear whether an employee was injured in the course of carrying

out work responsibilities. For the vast majority of workers compensation cases, it is very clear whether the employee was injured while working.”

5. While there have been a few court cases in which ‘course of employment’ has been the issue of claim compensability in Montana, the number of claims that would be affected by the enactment of this bill is expected to be minimal, thus the overall system cost impact is expected to be minimal if this bill were enacted.

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*Sponsor's Initials*

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*Date*

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*Budget Director's Initials*

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*Date*